IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5272 OF 2004

A.K.Chopra and Anr. ..Applicants

Vs.

The Tinplate Co.Op.
India Ltd. & Anr. ..Respondents

...

Mr.A.Y.Sakhare, Sr. Advocate i/b
Varsha Palav for Applicants
Ms. S.V.Gajare, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 7,2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned M.M., 44th Court, Andheri, Mumbai in C.C.No.1393/S/1999. In the said case process is issued under Sections 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today. In view of the statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. As far as the limitation is concerned, looking to the above facts and circumstances, the learned Sessions Judge to take a sympathetic view.

6. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

7. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]